IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:23-CV-175-D

BROTHER BELTRAN BEY,)
Plaintiff,)
v.) ORDER
LOLO LOLITA BROWN HOWELL and AUBREY BRIDGES,)))
Defendants.)

On April 4, 2023, Brother Beltran Bey ("Beltran Bey" or "plaintiff"), proceeding <u>pro se</u>, filed a complaint against Lolo Lolita Brown Howell and Aubrey Bridges [D.E. 1]. On May 30, 2023, Beltran Bey filed a corrected complaint [D.E. 4] and a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 7]. On June 1, 2023, pursuant to 28 U.S.C. § 636(b)(1), the court referred the case to United States Magistrate Judge Kimberly A. Swank for a Memorandum and Recommendation ("M&R") and for a frivolity review [D.E. 8]. On October 3, 2023, Judge Swank issued an M&R recommending that the court deny the motion to proceed in forma paurperis and that the action be dismissed for failure to prosecute [D.E. 9].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); <u>see</u> 28 U.S.C. § 636(b)(1). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation

omitted). If a party makes only general objections, de novo review is not required. See Wells v.

Shriners Hosp., 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for appeal an issue in a

magistrate judge's report, a party must object to the finding or recommendation on that issue with

sufficient specificity so as reasonably to alert the district court of the true ground for the objection."

Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v.

Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Beltran Bey did not object to the M&R. Therefore, the court reviews for clear error. See

Diamond, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear error

on the face of the record. See id.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 9] and DISMISSES WITH

PREJUDICE plaintiff's complaint for failure to prosecute. The clerk shall close the case.

SO ORDERED. This 31 day of October, 2023.

JAMES C. DEVER III

United States District Judge